

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

EVDOKIA NIKOLOVA §
Plaintiff, §
§
V. § CASE NO. 1:19-cv-00877-RP
§
§
UNIVERSITY OF TEXAS AT AUSTIN, §
Defendant. §

PLAINTIFF'S DESIGNATION OF TESTIFYING EXPERT WITNESSES

TO THE HONORABLE ROBERT PITMAN:

Pursuant to the Court's Scheduling Orders and agreements for extension between the parties, Plaintiff files this designation of testifying experts. Plaintiff reserves the right and may supplement and amend this designation as necessary and as further discovery and evidence is obtained in this case.

Respectfully submitted,

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By: /s/ Robert W. Schmidt
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/s/ Robert Notzon
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2021, this document was served pursuant to Federal Rules of Civil Procedure on counsel for Defendant at the following address:

Benjamin L. Dower
Assistant Attorney General
Office of the Attorney General of Texas
General Litigation Division
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Capitol Station,
Austin, Texas 78711-2548
Fax (512) 320-0667
benjamin.dower@oag.texas.gov

By: /s/ Robert W. Schmidt

POTENTIAL TESTIFYING EXPERT WITNESSES

Plaintiff designates the following potential testifying expert witnesses:

Thomas W. Glass, PhD, CPA
Glass & Company
Certified Public Accountants, PC
500 W. 5th Street, Suite 1210
Austin, Texas, 78701
(512) 480-8182
(512) 480-9465 (fax)
thomas.glass@bvccpa.com

Dr. Glass will testify on Dr. Nikolova's economic damages in this case. Pursuant to the Court's Scheduling Order, the materials required by FED. R. CIV. P. 26(a)(2)(B) are being served, but not filed, on counsel for Defendant and labeled as Exhibit A.

Peter Glick, PhD
Department of Psychology
Lawrence University
711 E Boldt Way
Appleton, WI 54911
(920) 716-4195
glickp@lawrence.edu

Dr. Glick will testify on the science of stereotyping, bias, and discrimination and its application to this case. Pursuant to the Court's Scheduling Order, the materials required by FED. R. CIV. P. 26(a)(2)(B) are being served, but not filed, on counsel for Defendant and labeled as Exhibit B.

Shane Thompson, PhD
Precision Analytics Co, LLC
978 McMurdo Circle
Castle Rock, CO 80108
(801) 698-2817
shane.thompson@precisionanalyticsco.com

Dr. Thompson will testify on the statistical evidence in this case. Pursuant to the Court's Scheduling Order, the materials required by FED. R. CIV. P. 26(a)(2)(B) are being served, but not filed, on counsel for Defendant and labeled as Exhibit C.

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Other Attorneys Familiar With Attorneys' Fees In Western District

Should Plaintiff prevail at trial, Plaintiff's counsel and other attorneys familiar with attorneys' fees in the Western District of Texas will testify regarding the reasonableness and necessity of attorneys' fees incurred by the Plaintiff in this lawsuit. Based upon their own rates and their knowledge regarding rates in the Western District, Plaintiff's counsel and other attorneys familiar with attorneys' fees in the Western District will testify regarding the reasonableness of rates, hours and services expended on the case. Plaintiff's counsel has appeared in state and federal courts throughout Texas. They are familiar with what lawyers in the Western District and Texas charge for their services in cases such as this and will opine as to the reasonable fees for services performed for Plaintiff in this case.

On behalf of Plaintiff, Plaintiff's counsel has performed and/or will have performed at the time of trial, legal services including: (1) legal research and drafting of pleadings, briefs and other court documents, (2) reviewing and analyzing pleadings documents filed by other parties; (3) preparing and serving discovery, (4) reviewing and analyzing discovery responses; (5) preparing for and taking depositions of the parties in the lawsuit and other witnesses; (6) preparing answers and responses to discovery; (7) preparing for and appearing at hearings and trial; (8) conferring with persons having knowledge or relevant facts about this matter; and (9) representing Plaintiff in trial, hearings, and EEOC proceedings.

The factors Plaintiff's counsel will rely on in determining the amount of fees to be awarded to a prevailing plaintiff in cases such as this one include:

1. The time and labor involved.
2. The novelty and difficulty of the questions.
3. The skill requisite to perform the legal services.
4. The preclusion of other employment by the attorney due to the acceptance of the case.
5. The customary fee.
6. Whether the fee is fixed or contingent.
7. The time limitations imposed by the client or the circumstances.
8. The amount involved and the results obtained.

9. The experience, reputation, and ability of the attorneys.
10. The undesirability of the case.
11. The nature and length of the professional relationship with the client.
12. Awards in similar cases.

Using the Lodestar concept, the fee awarded should be a multiple of the current hourly rate times the hours performed on the case. The specific rates and amounts will depend upon when the case goes to trial. Also, these rates may need to be adjusted upwards depending on the results obtained. Plaintiff's counsel may also testify in accordance with other legal standards or developments regarding awards of attorneys' fees. Lastly, Plaintiff's counsel's opinions may be supplemented by affidavits or testimony of other attorneys following trial at the time a fee petition is presented to the Court.

CVs reflecting the educational background, and some of the qualifications and professional experience of Plaintiff's attorneys who have performed work in this case or who may testify on attorneys' fees are being served, but not filed, on counsel for Defendant and labeled as Exhibit D.

Because discovery is still ongoing, Plaintiff reserves the right to supplement or amend this designation. Plaintiff reserves the right to call any witnesses designated as experts by Defendant and incorporates such witnesses into Plaintiff's designation without waiving and reserving any and all objections to those witnesses.